

Maine Revised Statutes
Title 38: WATERS AND NAVIGATION
Chapter 13: WASTE MANAGEMENT

§1318-A. RECOVERY BY STATE, COUNTIES AND MUNICIPALITIES FOR EXPENDITURES FOR REMOVAL OF DISCHARGES

1. Responsible party. The responsible party or the person causing the discharge is liable for all acts and omissions of its servants and agents that are committed within the course and scope of their employment.

[2005, c. 100, §1 (AMD) .]

2. State, counties and municipalities to recover for expenditures for removal. Any person who permits, causes or is responsible for a prohibited discharge shall reimburse the State, counties and municipalities for all costs incurred, including personnel costs, in removing the discharge, including costs for ensuring public safety. Funds recovered under this section must be deposited to the account from which they were expended. Requests from the State for reimbursement, if not paid within 30 days of demand, may be turned over to the Attorney General for collection or may be submitted to a collection agency or agent or an attorney retained by the department with the approval of the Attorney General pursuant to Title 5, section 191, or, for county or municipal cost, to the District Attorney for collection.

[2005, c. 100, §1 (AMD) .]

In any suit to enforce claims of the State, a county or a municipality under this section, it is not necessary for the State, county or municipality to plead or prove negligence in any form or manner on the part of the person causing, permitting or responsible for the discharge. The State, county or municipality need only plead and prove the fact of the prohibited discharge and that the discharge occurred while the hazardous matter was in the custody or control of the person causing, permitting or responsible for the discharge. [2005, c. 100, §1 (AMD) .]

At the request of one or more municipalities, a county may bring legal action for recovery under this section on behalf of the municipality or municipalities. If the county is successful in the action, the county is entitled to recover the cost of the action and reasonable attorney's fees. [2005, c. 100, §1 (NEW) .]

SECTION HISTORY

1979, c. 730, §2 (NEW). 1989, c. 317, §1 (AMD). 1991, c. 817, §33 (AMD). 2005, c. 100, §1 (AMD) .

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